



November 15, 2012

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-154

Dear Ms. Dortch:

On November 13, 2012, Hilary Ware, Associate General Counsel, Chris Libertelli, Head of Global Public Policy, and I met with the following FCC staff: Sean Lev, Jacob Lewis, and Susan Aaron of the Office of General Counsel; Karen Strauss and Greg Hlibok of the Consumer and Government Affairs Bureau; and Mary Beth Murphy and Diana Sokolow of the Media Bureau Policy Division.

The subject of the meeting was Netflix's recently announced settlement with the National Association of the Deaf (NAD) which furthers Netflix's commitment to ensuring that its hearing impaired members have access to their favorite streaming movies and TV shows.¹

Through its settlement with the NAD, Netflix has pledged to caption or subtitle 100 percent of video streamed in two years' time – making Netflix by far and away the industry leader in the captioning of streaming video. Netflix's commitment also exceeds many of the closed captioning standards and timelines adopted by the FCC in its recent implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 ("IP Closed Captioning Order").²

Under the terms of the settlement, by September 2013, Netflix will ensure that captions or subtitles are available on at least 90 percent of hours of its U.S. On-demand Streaming Content. By September 2014, Netflix will ensure that captions or subtitles are available on 100 percent of its U.S. On-demand Streaming Content.

During the meeting, Netflix identified some of the legal and practical challenges to locating and securing closed captioning rights from video programming owners, particularly with regard to "long tail" content.

¹ See Joint Press Release, "Netflix and National Association of the Deaf (NAD) Reach Historic Agreement to Provide 100% Closed Captions in On-Demand Streaming Content Within Two Years," available at <https://secure.onlineprocessing.biz/3/mr5/netflix.us/en/index.php?s=24309&item=134335>.

² *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order, 27 FCC Rcd 787 (2012).

Netflix also explained some of the engineering challenges to supporting captioning across a multitude of viewing devices (and the myriad versions of such devices), each of which may require a different technical “fix” to ensure that captions are correctly passed through and displayed to the viewer.

Netflix expressed its support for the FCC’s *IP Closed Captioning Order*, which provides an important framework for the responsibilities of video programming owners to provide caption files along with video programming, and for video programming distributors to pass such captions through to their end users. Netflix also restated its support of the Commission’s subsequent grant of extension to January 1, 2014 for compliance with the order’s enhanced user configuration requirements for applications, plug-ins, or devices that are provided by video programming distributors.³

In accordance with the Commission’s rules this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully Submitted,

_____/s/_____
Corie Wright
Director, Global Public Policy
Netflix, Inc.

Cc:
Susan Aaron
Greg Hlibok
Mary Beth Murphy
Sean Lev
Jacob Lewis
Diana Sokolow
Karen Strauss

³ *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Memorandum Opinion and Order, MB Docket 11-54, DA 12-1354 (rel: Aug. 17, 2012). See Netflix Ex Parte, MB Docket 11-154, (Aug. 16, 2012), available at <http://apps.fcc.gov/ecfs/document/view?id=7022004814>.